

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

**JOINT MOTION FOR AN ADDITIONAL LIMITED EXTENSION OF TIME TO
RESPOND TO MOTIONS TO SEAL EXHIBITS FOR BRIEFING ON SUMMARY
JUDGMENT AND MOTIONS TO EXCLUDE EXPERT TESTIMONY**

1. On April 26, 2024, Plaintiffs filed motions to exclude testimony of two of Google’s expert witnesses. ECF Nos. 587, 609. On that same date, Google filed a motion for summary judgment and motions to exclude testimony of three of Plaintiffs’ expert witnesses. ECF Nos. 569, 572, 575, 578 (collectively, the “Motions”).

2. All of these filings were accompanied by requests to maintain material under seal. With respect to a significant amount of the material submitted under seal, the parties’ basis for sealing is that another party (or non-party) designated the material as “confidential” or “highly confidential” under the operative protective order in this action, *see* E.D. Va. L.R. 5(C) (setting forth procedures for filing materials where a non-filing party or non-party has designated the material as confidential). ECF Nos. 592-93, 605-06, 612, 617.

3. On May 1, 2024, the Court granted the parties’ Joint Motion for Extension of Time to Respond to Motions to Seal Exhibits for Briefing on Summary Judgment and Motions to Exclude Expert Testimony. ECF No. 621 (“Order”).

4. Per the Court's Order, any responses (by parties or non-parties) to motions to seal filed in connection with (1) Google's summary judgment motion and responses and replies thereto and (2) motions to exclude expert testimony and responses and replies thereto shall be filed no later than June 7, 2024.

5. Following the Court's order, the parties filed responses to and replies in support of the Motions. As with the Motions, the responses and replies were accompanied by requests to maintain material under seal. ECF Nos. 642, 648, 651, 661, 667, 698, 712, 719. For most of the material submitted under seal, the parties' basis for sealing is that another party (or non-party) has designated the material as "confidential" or "highly confidential."

6. Due to the volume of additional material that has been filed under seal since the Court's Order, the parties respectfully request a limited, one-week extension until **June 14, 2024**, of the response deadline for all responses to motions to seal associated with Google's motion for summary judgment and the parties' total of five motions to exclude expert witness testimony, as well as the associated opposition briefs and replies.

7. The parties seek this limited extension to allow the parties and interested non-parties to have sufficient time to ensure that their requests for continued sealing are as narrowly tailored as possible, facilitating the maximum amount of information ultimately being available on the public docket.

8. The parties submit that good cause exists to grant this extension, as the parties have proceeded diligently in this matter, no party will be prejudiced by the requested relief, and the requested relief will not affect any other deadlines in this case. *See generally Roe v. Howard*, No. 1:16-cv-562, 2017 U.S. Dist. LEXIS 187258, *1-2 (E.D. Va. June 30, 2017).

9. The parties have met and conferred regarding the relief requested herein, and both Google and Plaintiffs join in this motion.

Dated: June 4, 2024

Respectfully submitted,

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